

### **REMARKS**

In the Office Action dated April 2, 2009, the Examiner has rejected Claim 1-11 under 35 USC 112, second paragraph, rejected Claims 9-11 under 35 USC 101, and rejected Claims 1-8 under 35 USC 102(b). By this paper, Claims 1, 3-5, and 8-11 have been amended to more particularly point out that which Applicants regard as their invention, and Claims 2, 6 and 7 have been cancelled without prejudice. For the reasons set forth below, Claims 1, 3-5 and 8-11, the claims remaining in this Application, are respectfully considered patentable over the cited prior art and should now be allowed.

Claims 1, 3-5, and 8-11 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, and as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. The Examiner contends that the claims are generally narrative and indefinite, failing to conform with current U.S. Practice, and are replete with grammatical and idiomatic errors. By this paper, the claims have been extensively revised so as to now conform with US practice, without grammatical or idiomatic errors, and to positively recite that which Applicant regards as the invention, while being careful not to present any new matter. Accordingly, Claims 1, 3-5, and 8-11 are now respectfully considered to comply with 35 USC 112, second paragraph, and such rejections should now be removed.

Claims 9-11 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention for including claims which recite both an apparatus and the method steps, and under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter (i.e., directed to neither a "process" nor a "machine"). By this paper, Claims 9-11 have been amended to cast Claims 9-11 as apparatus claims, where Claim 9 is independent, and Claims 10 and 11 are dependent thereon. Therefore, it is respectfully submitted that Claims 9-11 fully comply with 35 USC 112, second paragraph, and with 35 USC 101, and such rejections should now be removed.

Claims 1, 3-5, and 8, stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,867,431 (Hosking et al.). The Hosking et

al. patent is directed to a sheet transport device of considerable complexity including the necessity of reversing direction of sheet transport. On the other hand, Applicant's invention, as recited in the amended claims (including Claims 9-11), is a much simplified transport which in response to detection of the occurrence of a printing material jam in the transport path (2), the flap (5) and the switches (42, 43) associated with the transport path (2) are actuated to intercept the transport path (2), whereby a sheet of printing material (9) is transported along the flap (5) out of the transport path (2) into a container (8). Since the structure of the Hosking et al. patent does not include a flap and switches, nor their intended functions, as defined by Applicant and recited in the claims, the rejection under 35 USC 102(b) is respectfully considered improper. Accordingly, this rejection should be removed, and Claims 1, 3-5, and 8 (along with Claims 9-11) should now be allowed.

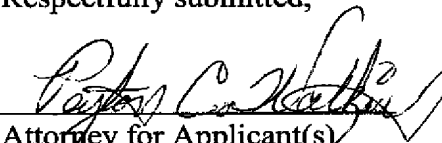
#### **Conclusion**

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. §1.99.

This Application is now believed to be in condition for favorable reconsideration and early allowance, and such actions are respectfully requested. The examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company, Deposit Account No. 05-0225.

Respectfully submitted,

  
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